

# UNITED STATES DISTRICT COURT

for the

Southern District of Ohio

United States of America

v.

ETHAN KOLLIE

Case No.

3:19-mj-498

Defendant(s)

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of May 9, 2019 to August 8, 2019 in the county of Montgomery in the Southern District of Ohio, the defendant(s) violated:

Code Section

Offense Description

18 U.S.C. § 922(g)(3)  
18 U.S.C. § 924(a)(1)(A)

Possession of a firearm by an unlawful user/addict of a controlled substance  
Making a false statement regarding firearms

This criminal complaint is based on these facts:

See Attached Affidavit

☒ Continued on the attached sheet.

  
Complainant's signature

SA P. Andrew Gagan, FBI

Printed name and title

Sworn to before me and signed in my presence.

Date: 08/09/2019

City and state: Dayton, Ohio

  
Judge's signature

Hon. Michael J. Newman, U.S. Magistrate Judge

Printed name and title

## **AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT**

I, P. Andrew Gragan, being first duly sworn, hereby depose and state as follows:

### **INTRODUCTION AND AGENT BACKGROUND**

1. I make this affidavit in support of a Criminal Complaint charging **Ethan KOLLIE** with (1) between on or about May 9, 2019, and August 8, 2019, in the Southern District of Ohio, possession of a firearm in interstate or foreign commerce by a person who is an unlawful user of or addicted to any controlled substance, in violation of 18 U.S.C. § 922(g)(2), and (2) on or about May 9, 2019, in the Southern District of Ohio, making false statements or representations with respect to information required by chapter 44 of Title 18 of the United State Code, in violation 18 U.S.C. § 924(a)(1)(A).

2. I am a Special Agent with the Federal Bureau of Investigation ("FBI"), Cincinnati Division. I have been employed as a Special Agent with the FBI since May 2016. I have received training in national-security investigations and criminal investigations, and I have conducted investigations related to international terrorism, white-collar crimes, drug trafficking, public corruption, firearms, and violent crimes. As part of these investigations, I have participated in physical surveillance and records analysis, worked with informants, conducted interviews, served court orders and subpoenas, and executed search warrants.

3. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested Criminal Complaint and arrest warrant and does not set forth all of my knowledge about this matter.

## PROBABLE CAUSE

4. On or about August 4, 2019, agents with the FBI and ATF (Bureau of Alcohol, Tobacco, Firearms and Explosives) interviewed **Ethan KOLLIE (KOLLIE)**, at his residence of 1216 Cloverfield Avenue, Apartment D, Kettering, Ohio, in connection with the mass shooting earlier that day in Dayton, Ohio, committed by **Conner Stephen BETTS (BETTS)**. **KOLLIE** indicated that he liked guns and currently owns a handgun and a micro Draco pistol. He also indicated that he purchased body armor and a firearm accessory for **BETTS** earlier this year. **KOLLIE** consented to a search of his residence. While inside, the agents smelled marijuana and observed, in plain sight, paraphernalia consistent with smoking marijuana, including what appeared to be a “bong,” a drug delivery device commonly used to smoke marijuana. Agents also observed in plain sight, on the counter, what they believed to be the Draco pistol. **KOLLIE** indicated that his handgun was in his bedroom.

5. On or about August 8, 2019, agents with the FBI again interviewed **KOLLIE**, this time at his place of work. **KOLLIE** advised the FBI that he was concealed carry, which, based upon my training and experience, is an indication that he was carrying a firearm, and that he was claiming to have a permit to do so. The FBI observed a belt clip of what appeared to be an inside-the-waistband holster. **KOLLIE** informed the FBI that he and **BETTS** had done “hard drugs,” marijuana, and acid together four to five times a week during 2014 to 2015. When asked how often he used drugs in the past year and a half, **KOLLIE** indicated that he smoked marijuana every day and had done so since he was fourteen. Agents asked **KOLLIE**: “So you never stopped,” or words to that effect. **KOLLIE** responded “that’s right,” or words to that

effect. Based on my training and experience, and information from other law enforcement agents and officers, I am aware that marijuana is a controlled substance.

6. Records obtained from a Dayton area Federal Firearm Licensed dealer included an ATF Form 4473, which based on my training and experience I know is required in order to complete the transaction of purchasing a firearm from a licensed dealer. The form pertained to the purchase by **KOLLIE** of a Century Arms Draco 7.62x39mm pistol with serial number PMD-11797-19. The form transferee/buyer was listed as **Ethan William KOLLIE** with the address of 1216 Cloverfield Avenue, Apartment D, Kettering, Ohio, and a date of birth and social security number that is consistent with Ohio Bureau of Motor Vehicle records for **KOLLIE**. The transfer of the firearm from the dealer to **KOLLIE** was completed on May 9, 2019.

7. Box 11e of the ATF Form 4473 states, "Are you an unlawful user of, or addicted to, marijuana or any depressant, stimulant, narcotic drug, or any other controlled substance? Warning: The use or possession of marijuana remains unlawful under Federal law regardless of whether it has been legalized or decriminalized for medicinal or recreational purposes in the state where you reside." **KOLLIE**'s Form 4473 was checked "No" in response to the question in box 11e.

8. On or about August 8, 2019, the FBI executed a federal search warrant, issued on or about August 8, 2019, by the United States District Court of the Southern District of Ohio, on the person of **KOLLIE**. When encountered by the FBI, **KOLLIE** was advised of the federal search warrant and that he was not under arrest. When asked if he had anything on his person, **KOLLIE** indicated that he had a bag of weed and a firearm. Agents pulled a small plastic bag

from **KOLLIE**'s pocket, which **KOLLIE** advised was marijuana. A revolver, later identified to be a Taurus .38SPC +P with serial number GZ80488, was also removed from his person.

9. During execution of the warrant, the FBI asked **KOLLIE** to speak with them and he agreed to do so. During the interview, **KOLLIE** admitted to being a regular user of illegal drugs, including marijuana and psychedelic mushrooms, which he grew in his residence. **KOLLIE** stated that he micro-doses the mushrooms on a constant basis, saying it provides him with energy and is "fun." **KOLLIE** described the process of how he grew mushrooms in plastic bins in his room, including the mushroom starter mycelium, the grow process, time to harvest, and the yield he obtained every two to three months. **KOLLIE** stated he had recently harvested and processed his mushrooms.

10. The FBI asked **KOLLIE** if he was asked about his drug use on the ATF form when he purchased his firearms. **KOLLIE** responded that he did remember answering that question on the ATF form when he bought his firearms. **KOLLIE** stated that he answered "no" to the question regarding drug use. When asked why he lied, **KOLLIE** stated he knew that if he told the truth about his drug use, he would not be allowed to purchase a firearm, so he lied and answered "no." **KOLLIE** acknowledged his purchase for **BETTS** of the following items used by **BETTS** in the August 4, 2019 shooting in Dayton: (1) body armor, (2) upper receiver of the AR-15 weapon, and (3) the 100-round double drum magazine. **KOLLIE** indicated that he purchased these items for **BETTS** – and stored them in **KOLLIE**'s apartment – to assist **BETTS** in hiding them from **BETTS**' parents. **KOLLIE** indicated that approximately 10 weeks ago while in **KOLLIE**'s apartment, **KOLLIE** watched and helped **BETTS** assemble the AR-15 weapon used by **BETTS** in the August 4, 2019 shooting in Dayton. **KOLLIE** indicated that upon arrival of the drum magazine approximately 6 to 8 weeks ago, **BETTS** retrieved the

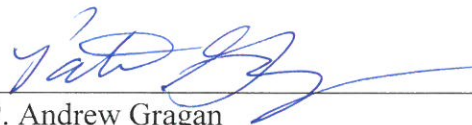
assembled weapon, including the drum magazine, and took possession of it and the body armor at that time.

11. On or about August 8, 2019, the FBI executed a federal search warrant, issued on or about August 8, 2019, by the United States District Court of the Southern District of Ohio, on the premises of 1216 Cloverfield Avenue, Apartment D, Kettering, Ohio. During the search of the premises, agents located the aforementioned Draco pistol, a Taurus Model PT111 G2A semi-automatic pistol with serial number TLR08219, ammunition, drug paraphernalia, including a clear glass pipe and what is commonly referred to as a “bong,” and what appeared to be controlled substances, including what appeared to be mushrooms, which based on my training and experience are cultivated and consumed because they often contain psilocyn and psilocybin, Schedule I controlled substances.

12. Based on the foregoing, I believe there is probable cause to believe that **KOLLIE** committed the following criminal violations: (1) between on or about May 9, 2019, and August 8, 2019, in the Southern District of Ohio, possession of a firearm in interstate or foreign commerce by a person who is an unlawful user of or addicted to any controlled substance, in violation of 18 U.S.C. § 922(g)(2), and (2) on or about May 9, 2019, in the Southern District of

Ohio, making false statements or representations with respect to information required by chapter 44 of Title 18 of the United State Code, in violation 18 U.S.C. § 924(a)(1)(A).

Respectfully submitted,



P. Andrew Gragan  
Special Agent  
Federal Bureau of Investigation

Subscribed and sworn to before me  
on August 9, 2019, in Dayton, Ohio:



Hon. Michael J. Newman  
UNITED STATES MAGISTRATE JUDGE

